

AMENDED IN ASSEMBLY APRIL 30, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1025

Introduced by Assembly Member Conway

February 27, 2009

An act to amend Section ~~35021~~ 44258.7 of, and to add Section 49024 to, the Education Code, relating to school employees and volunteers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, as amended, Conway. Schools: employees and ~~volunteers:~~
~~crime:~~ *volunteers: Activity Supervisor Clearance Certificate.*

Existing law permits qualified credential holders to coach in a competitive sport upon authorization by action of the local governing board, as specified.

This bill would require a noncertificated candidate, commencing on July 1, 2010, prior to assuming a paid or volunteer position to supervise, direct, or coach a pupil activity program sponsored by, or affiliated with, a school district, to obtain from the Commission on Teacher Credentialing an Activity Supervisor Clearance Certificate issued by the commission upon verification of the candidate's personal identification and verification that he or she meets specified requirements. The bill would require that each certificate be issued initially for a period of 5 years and may be renewed. The bill would also authorize the commission to establish a fee for the certificate.

~~Existing law prohibits any person who has been convicted of a crime, the commission of which requires him or her to register as a sex offender, from being permitted by the governing board of any school~~

district to perform specified duties relating to supervision of pupils, or to serve as a nonteaching volunteer aid, as specified.

~~This bill would also prohibit any person who has been convicted of any specified sex offense, controlled substance offense, or serious or violent felony, from being permitted by a school district to perform these duties. This bill would also prohibit any person who has been convicted of these offenses from being employed by a school district, or serving as a volunteer coach, for any scholastic or interscholastic athletic program. The bill would also authorize a school district or county office of education to make a written request of a local law enforcement agency that it perform a search of state summary criminal history information with respect to a potential coach or volunteer coach in order to ascertain whether he or she has been convicted of any of these offenses. The bill would also authorize a local law enforcement agency to charge a fee to the requesting agency not to exceed the actual expense to the law enforcement agency of performing the search. Because this bill would require school districts to perform additional administrative duties, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 35021 of the Education Code is amended~~
- 2 ~~to read:~~
- 3 ~~35021. (a) Notwithstanding any other law, a person who is~~
- 4 ~~required to register as a sex offender pursuant to Section 290 of~~
- 5 ~~the Penal Code, or a person who has been convicted of any offense~~
- 6 ~~listed in Section 44010, 44011, or 44424, shall not be permitted~~
- 7 ~~by the governing board of any school district to perform the duties~~
- 8 ~~specified in Section 44814 or 44815, or to serve as a nonteaching~~
- 9 ~~volunteer aide under the immediate supervision and direction of~~

1 the certificated personnel of the district to perform noninstructional
2 work that serves to assist the certificated personnel in performance
3 of teaching and administrative responsibilities. With respect to
4 this noninstructional work, the nonteaching volunteer aide shall
5 serve without compensation of any type or other benefits accorded
6 to employees of the district, except as provided in Section 3364.5
7 of the Labor Code.

8 (b) ~~No district may abolish any of its classified positions and~~
9 ~~utilize volunteer aides, as authorized herein, in lieu of classified~~
10 ~~employees who are laid off as a result of the abolition of a position.~~
11 ~~A district shall not refuse to employ a person in a vacant classified~~
12 ~~position and use volunteer aides in lieu of filling the classified~~
13 ~~position.~~

14 (c) ~~It is the intent of the Legislature to permit school districts~~
15 ~~to use volunteer aides to enhance its educational program but not~~
16 ~~to permit displacement of classified employees nor to allow~~
17 ~~districts to utilize volunteers in lieu of normal employee~~
18 ~~requirements.~~

19 *SECTION 1. Section 44258.7 of the Education Code is amended*
20 *to read:*

21 44258.7. (a) The holder of a standard secondary credential
22 who, prior to September 1, 1989, has taught successfully in a
23 subject within the department of his or her academic major or
24 minor for a minimum of three years, as verified by the employing
25 school district, may receive a supplementary authorization in that
26 subject upon application, payment of a fee, which shall not exceed
27 one-half of the regular credential fee, and evidence that one of the
28 following has been accomplished:

29 (1) Successful completion, by September 1, 1989, of a minimum
30 of 12 semester units, or six upper division or graduate units, of
31 coursework at an accredited institution in the subject.

32 (2) The securing of a passing score on an examination in the
33 subject approved by the Commission on Teacher Credentialing.

34 (3) Verification of competence in the subject matter by a subject
35 area specialist not associated with the employing school district.

36 (b) A person who holds a teaching credential in a subject or
37 subjects other than physical education may be authorized by action
38 of the local governing board to coach one period per day in a
39 competitive sport for which students receive physical education
40 credit, provided that he or she is a full-time employee of the school

1 district and has completed a minimum of 20 hours of first aid
2 instruction appropriate for the specific sport.

3 (c) A teacher employed on a full-time basis who teaches
4 kindergarten or any of grades 1 to 12, inclusive, and who has
5 special skills and preparation outside of his or her credential
6 authorization may, with his or her consent, be assigned to teach
7 an elective course in the area of the special skills or preparation ,
8 provided that the assignment is first approved by a committee on
9 assignments. For purposes of this subdivision an “elective course”
10 is a course other than English, mathematics, science, or social
11 studies. The membership of the committee on assignments shall
12 include an equal number of teachers, selected by teachers, and
13 school administrators, selected by school administrators.

14 (d) Assignments approved by the committee on assignments
15 shall be for a maximum of one school year, but may be extended
16 by action of the committee upon application by the schoolsite
17 administrator and the affected teacher. All initial assignments or
18 extensions shall be approved prior to the assignment or extension.
19 Districts making assignments under this subdivision shall submit
20 a plan to the county superintendent of schools which shall include,
21 but need not be limited to, the following:

22 (1) Statements signed by the district superintendent and the
23 president or chairperson of the district governing board, approving
24 the establishment of the committee.

25 (2) Procedures for selection of the committee membership.

26 (3) Terms of office for committee members.

27 (4) Criteria for determining teachers’ qualifications for these
28 assignments.

29 (e) The Commission on Teacher Credentialing may develop
30 and recommend general criteria that may be used by local
31 committees on assignment in assessing a candidate’s qualifications.

32 (f) *The commission shall issue an Activity Supervisor Clearance*
33 *Certificate to candidates serving in a position pursuant to*
34 *subdivision (a) of Section 49024 upon verification of the*
35 *candidate’s personal identification and verification that the*
36 *candidate meets all professional requirements pursuant to Sections*
37 *44339, 44340, and 44341.*

38 SEC. 2. Section 49024 is added to the Education Code, to read:

39 ~~49024. (a) A person who has been convicted of any offense~~
40 ~~listed in Section 44010, 44011, or 44424 shall not be employed~~

1 by a school district as a coach, or serve as a volunteer coach, for
2 any scholastic or interscholastic athletic program.

3 (b) A school district or county office of education may make a
4 written request of a local law enforcement agency that it perform
5 a search of state summary criminal history information with respect
6 to a potential coach or volunteer coach in order to ascertain whether
7 he or she has been convicted of any sex offense, as defined in
8 Section 44010, any controlled substance offense, as defined in
9 Section 44011, or any other serious or violent felony, as defined
10 in Section 44424. A plea or verdict of guilty, a finding of guilt by
11 a court in a trial without a jury, or a conviction following a plea
12 of nolo contendere, shall be deemed to be a conviction within the
13 meaning of this section. If the local law enforcement agency agrees
14 to perform the search, the results shall be returned to the requesting
15 district or county office of education within 72 hours of receipt of
16 the request. A local law enforcement agency may charge a fee to
17 the requesting agency not to exceed the actual expense to the law
18 enforcement agency of performing the search.

19 SEC. 3. ~~If the Commission on State Mandates determines that~~
20 ~~this act contains costs mandated by the state, reimbursement to~~
21 ~~local agencies and school districts for those costs shall be made~~
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
23 ~~4 of Title 2 of the Government Code.~~

24 49024. (a) *Prior to assuming a paid or volunteer position to*
25 *supervise, direct, or coach a pupil activity program sponsored by,*
26 *or affiliated with, a school district, all noncertificated candidates*
27 *shall obtain an Activity Supervisor Clearance Certificate from the*
28 *Commission on Teacher Credentialing pursuant to subdivision (f)*
29 *of Section 44258.7.*

30 (b) *A pupil activity program sponsored by, or affiliated with, a*
31 *school district includes, but is not limited to, scholastic programs,*
32 *interscholastic programs, and extra curricular activities sponsored*
33 *by a school district or school booster club, including, but not*
34 *limited to, cheer team, drill team, dance team, and marching band.*

35 (c) *Volunteer supervisors for breakfast, lunch, or other*
36 *nutritional periods pursuant to Sections 44814 and 44815, and*
37 *nonteaching volunteer aides under the immediate supervision and*
38 *direction of certificated personnel of the district pursuant to Section*
39 *35021, shall not be required to obtain an Activity Supervisor*
40 *Clearance Certificate.*

- 1 (d) Each certificate shall be issued initially for a five-year period
2 and may be renewed. The commission shall establish a fee for the
3 Activity Supervisor Clearance Certificate.
4 (e) Candidates may be issued a temporary certificate in
5 accordance with Sections 44332 and 44332.5 while the application
6 is being processed.
7 (f) This section shall become operative on July 1, 2010.